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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,679	12/14/2000	John E. Schier	062891.0434	2124

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DALLAS, TX 75201-2980

EXAMINER

TESLOVICH, TAMARA

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/07/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 02/07/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/737,679

Applicant(s)

SCHIER, JOHN E.

Examiner

Tamara Teslovich

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-14, 19-31 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 19-31, and 34-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the Applicant's 'Remarks' filed November 24, 2006.

Claims 1-4, 6-14, 19-31, and 34-36 are herein considered.

Response to Arguments

Applicant's arguments filed November 24, 2006 have been fully considered but they are not persuasive.

In response to Applicant's arguments concerning the Examiner's previously recited 35 USC § 112 rejections of claims 1-4, 6-14, 19-31, and 34-36 as failing to comply with the written description requirement, the Examiner respectfully maintains her rejections as given. Applicant's remarks on page 9 fail to specifically point out and claim wherein the specification the Applicant clearly teaches the isolation of the delay time from the network as recited in his independent claims. The Examiner has returned to the specification, namely pages 7-11 but disagrees with the Applicant's contention that the isolation is in fact taught therein. A number of different "isolations" are disclosed within page 7, including "isolating the communication module from the network" wherein "isolation may include disabling a communication module by providing a reduced power state for the communication module; disconnecting a communication port to the network, disconnecting a data bus associated with communicating information from the communication module to the computer system or other embodiments", but nowhere within these sections nor the remainder of the specification is it taught that the delay timer is isolated from the network. The Applicant goes on to

suggest that because there is a suggestion that the delay timer is a part of the communication module, that the teaching of isolating the communication module is enough to show the isolation of the delay timer. The Examiner disagrees with such a contention for three reasons. First, although it is true that a claim is read in view of the specification, "a delay timer operable coupled to a communication module" it is clearly stated in the Applicant's independent claims. "Operably coupled" suggests that the delay timer and communication module are separate and distinct, but connected in some way, it does *not* suggest that the delay timer is actually part of the communication module or vice versa. Second, in looking to the Applicant's specification, namely page 7, the Applicant's disclosure clearly discloses a system wherein "the system includes a communication module for communicating with a network such as the Internet and a delay timer coupled to the communication module." The language used by the applicant makes it clear that the communication module and the delay timer are in fact two distinct parts and that they are merely connected together, or coupled as it may be. Looking as well to Figure 1, it is clear that the communication module 101 is separate and distinct from the delay timer 103. In response to part three of the Applicant's argument citing to page 9, lines 23-38, the Examiner respectfully disagrees that the passage cited applies to the Examiner's arguments at all. The cited section concerns an alternative embodiment wherein the delay timer is a software parameter embedded within the system and accessible only by the user of the system. As a result of its programming, the delay timer may only be reprogrammed by the user at the system. Nowhere within this section, is there any mention of isolating the delay timer from the

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network based upon a comparison between the delay time interval and the activity associated with the system as is required by claim 1. Those lines cited by the Applicant must be taken within context, and as such, are of no support to the Applicant's claims that the specification supports the isolation of the delay timer from the network based on the comparison described within the preceding limitations of claim 1. Based on the Applicant's failure to show clear support for the isolation of the delay timer from the network, the Examiner has no choice but to maintain her 112 rejections as previously given.

The Examiner is having difficulty ascertaining the metes and bounds of the claims as indicated in the 35 USC 112 as noted supra. No prior art search has been conducted as a result of this.

Claim Rejections - 35 USC § 112

Claims 1-4, 6-14, 19-31, and 34-36 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant's addition of "isolating the delay timer" to claims 1, 19, and 24, is unsupported by the specification.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



T. Teslovich



EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER